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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,977	11/26/2001	Tsuyoshi Sakata	4777/6	2857

7590 06/08/2004
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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2684

DATE MAILED: 06/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/994,977

Applicant(s)

SAKATA ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Shimomura et al. (US Patent 6,526,580).

Regarding claim 1, Shimomura et al. disclose a receiving device, comprising:

a broadcast receiving section (see col.4 lines 22-26) receiving data by broadcast means (see 251, fig.2b);

a data accept section accepting the data by communication means (see col.8 lines 24-30); wherein:

said broadcast receiving section receives common information common to a plurality of receiving devices (see col.2 lines 26-39, "multimedia rich digital information" corresponds to "common information"); and

said data accept section accepts inherent information inherent to the receiving device (see col.2 lines 39-45 and col.4 lines 22-37, "subset of digital information" and "particular digital information stream" correspond to "inherent information").

Regarding claim 2, Shimomura et al. disclose everything as claim 1 above. More specifically, Shimomura et al. disclose the common, inherent information necessary when the data is accepted by the communication means (see col.4 lines 22-37);

A write section writing said common information and said inherent information (see col.4 lines 22-37, "cache" reads on "write").

Regarding claim 3, Shimomura et al. disclose everything as claim 1 above. More specifically, Shimomura et al. disclose receives permanent information which does not change with the passage of time (see col.13 lines 10-45); and said data accept section accepts variable information which changes with the passage of time (see col.5 lines 24-50).

Regarding claim 4, Shimomura et al. disclose information indicating links of the hypertext (see col.6 lines 10-16).

Regarding claim 5, Shimomura et al. disclose everything as claim 1 above. More specifically, Shimomura et al. disclose instruction presence information, an instruction by the communications means, executing the instruction (see col.10 line 10 through col.11. line 6).

Regarding claim 6, Shimomura et al. disclose "acquire the mail" (see col.6 lines 17-34, email services includes popup icon).

Regarding claim 7, Shimomura et al. disclose instruction presence information is information indication indicating presence/absence of information indicating a recording reservation, and said instruction information includes information necessary for a recoding reservation (see col.8 lines 24-42 and col.10 line 10 through col.11 line 6).

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

5/20/04


NAY MAUNG

SUPERVISORY PATENT EXAMINER